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Attorneys for Defendants
State of California by and through California
Highway Patrol and Officer Ramon Silva

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SANDRA KIRKMAN AND
CARLOS ALANIZ,
INDIVIDUALLY AND AS
SUCCESSORS-IN-INTEREST TO
JOHN ALANIZ, DECEASED,

Plaintiff,

v.

STATE OF CALIFORNIA;
RAMON SILVA; AND DOES 1-10,
INCLUSIVE,

Defendant.

Case No.: 2:23-cv-07532-DMG-SSC

**DECLARATION OF NIKKI
WAGAR**

Courtroom: 8C
Judge: Hon. Dolly M. Gee

FPTC Date: March 25, 2025
Trial Date: April 15, 2025

I, Nikki Wagar, declare:

1. I am over the age of 18 years.
2. I have personal knowledge of all of the matters stated herein.
3. I am a forensic consultant and have been retained and designated as an expert in this case. My CV is attached to this declaration.
4. As part of my service in this case, I reviewed selective items of discovery materials, DOJ investigative materials and photographs, transcripts, and collected data for Rod Englert's review as an incident reconstruction expert in this case. All work performed in this case was accomplished to aid Rod

1 Englert in the formation of his expert opinion and the development of a forensic
2 incident animation reflective of his expert opinions drawn in this case.

3 5. Data was collected through evidence examination and photography
4 at the Department of Justice Bureau of Forensic Services Laboratory in
5 Riverside, California. A total of sixteen independent items of evidence were
6 viewed and photographed. Information collected during the evidence
7 examination included item descriptors, measurements, and documentation of
8 bloodstain patterns and defects noted on the evidence.

9 6. Additionally, reconstruction efforts were performed at the Riverside
10 County Sheriff's Ben Clark Training Center in Riverside, California where an
11 open parking area was used to simulate the shooting incident. Working in
12 conjunction with Allrise Animator Samir Lyons, pertinent areas within the scene
13 were approximated with the aid of measurements collected from the crime scene
14 scan, dash camera and body worn video recordings, crime scene photographs,
15 and review of significant landmarks within the scene such as metal grates and
16 lane lines. Prior to reconstruction efforts, the approximated plotting/mapping was
17 verified for accuracy through a review of the dash camera and body worn video
18 recordings, witness video recording, and crime scene photographs.

19 7. At the direction of Rod Englert, the reconstruction of the incident
20 included taking into consideration the physical evidence in the case, to include,
21 the timing of the event, gunshot wounds sustained by John Joseph Alaniz during
22 the shooting incident, evidence of bullet defects to the clothing of Alaniz, body
23 positions of Officers Silva and Van Dragt, body positions of Alaniz, as well as
24 locations of relevant items of evidence within the scene. Approximate
25 measurements were collected from the reconstruction location to supplement the
26 data already available to Rod Englert.

27 8. All data collected was subsequently provided to Rod Englert as part
28 of his review of the case.

1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

3 Executed on March 15, 2025.

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7 Nikki Wagar, declarant
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